

**Excerpt from the
Monday, July 8, 2002
CITY PLANNING COMMISSION
MINUTES
220 City Hall
Minneapolis, Minnesota 55415
4:30 p.m.**

33. 3101-03 Oakland Avenue (8th Ward - BZZ-666, CUP)

Application by Kathy Barclay, on behalf of All God's Children Metropolitan Community Church for a conditional use permit to allow a parking lot. (Staff, Jason Wittenberg)

Jason Wittenberg presented the staff report. He indicated that he received an Email message before the meeting that objected to the proposed setbacks and the relative lack of landscaping from a resident at 31st and Portland. He received a voice mail from the supportive housing facility property manager immediately to the South indicating that they supported the variance and the project in general, but most specifically the variance to reduce the setback along the South property line. They wanted to reiterate their support for that request. There was also a message from Council Member Lilligren indicating his support for the corner side yard variance. He did not address the other variances, however in conversation with Council Member Lilligren and discussing the proposal, he seemed to come to the conclusion that complying with the south side yard setback was a reasonable alternative for the applicant.

President Martin asked if Council Member Lilligren saw the staff alternative?

Wittenberg, staff, replied that he did not see it, but he described it to him.

The public hearing was opened.

Kathy Barclay, representing All God's Children Metropolitan Community Church, indicated that there were four churches within three blocks along 31st Street and an additional church three blocks away at 34th and Park Avenue. She showed a table with the parking density, there was an extreme hardship in the neighborhood for the residents as well as for the church goers. On Sunday morning alone, there were 1,660 people in average attendance among the churches and cars being pulled into the neighborhood because of those church services and conservatively 680 cars seeking parking. The cumulative number of parking stalls available among those churches was 99 spaces. There were 680 cars seeking parking and there were 99 off-street parking stalls. That painted a pretty clear picture in terms of the extreme hardship that was being placed on the residents because of the traffic generated not only by their church, but the other churches. Several of those churches had multiple Sunday morning services and they had overlapping activities, adult forums, Sunday school and social times in between services. One group of churchgoers have not vacated parking before the next group came, so it created this kind of intensity. She displayed a chart showing the growth of their church. They currently averaged 250 people on Sunday morning and their growth trend appeared to put them at 300 by years end and to the point of having to split into two services in 2003.

This would compound the parking dilemma even further. It was those issues that caused them to come up with a design looking at maximum parking. They tried to be a good neighbor. They had marvelous relationships with the neighbors and they wanted to preserve that. That involved getting as many of their cars off the streets as possible on Sunday morning and Wednesday evening and also beautifying the neighborhood. Their church had won the blooming boulevard award for six years, so they had a tremendous commitment to beautifying the neighborhood. Their parking lot design combined not only maximum off-street parking, but also extensive green space. They went with a very generous, exceeding city requirements for green space along the Oakland Avenue side which was the primary residential side. The plan needed to be adjusted a bit, but came out to be 25-27 feet deep of green space along Oakland. The plan did require the variances along 31st Street and although it was requesting the variance from eight feet to two feet, there was a 2 ½ foot distance between the property line and the City sidewalk, so it would actually be 4 ½ feet of green space that they would grass and landscape. It didn't really take it down to two feet, it would be 4 ½ feet, which they would landscape. Along the border with their neighbors Agape Home, they maintained the five foot setback as required by the City with the exception of the turn out. They had a number of conversations with Agape and they were 100% supportive. The Executive Director of Agape Home was the gentlemen who Emailed Mr. Wittenberg today. He had written letters and took the extra step of doing the voice mail because they were entirely supportive. They said they would build an additional privacy fence and he said they didn't need that. Regarding car lights into that part of the house, it was a front hallway and a stair case and he said that it would be a non-issue. Everything else would be densely screened and landscaped for the rest of the house. The alley access had been approved by Rick Heath, Larry Budnick and the Transportation and Parking Services. They were supportive of this plan. Without the variances they couldn't build the lot that achieved the two goals, which were maximum off-street parking and beautification and green space. They were aware of the plan that the staff recommended that took it from 27 spaces to 23 spaces, but it would reduce the number of spaces so they didn't achieve their maximum parking. Because it required two cut throughs, it removed street parking as well to a greater degree than their plan would, so it diminished further parking. It also took four of the spaces down to eight foot spaces. They were a church with a lot of people who had very big trucks, very big SUV's and very big vans. If they took a number of spaces down to eight feet, they were fearful that not only had they lost four spaces, 23-27, but they also ran the risk of people overlapping parking lines because some of the stalls would only be eight foot stalls, essentially removing another stall in practice because they would be very small stalls. All of the stalls in their plan were 8 ½ foot stalls.

Arlett Christensen, 3132 Oakland Av. S, indicated she had lived in the neighborhood since 1935. She saw the church as a Christian Science church, kitty-corner from that was an Episcopal church, a block further was a Baptist church and down three blocks was the Lutheran Church. The other direction three blocks was the Park Avenue Methodist and two blocks the other direction was the Congregational church. On Sunday morning there was never any place to park because all of the churches took up the spaces. She was a block club leader for the block and she went to the meeting when the church went to the neighborhood. At that time there was a house on the lot that they wanted to take and tear down. The block club didn't wish this and asked if there would be another solution. They went to Central Neighborhood and moved the house from the corner to the middle

of the block. She now had a beautiful Victorian home across the street. The church wanted the parking lot because they needed the space. She thought that it would be a good idea. She thought the way they had planned it was a good option. She had looked at all of the options and at what the City had offered. She agreed that they shouldn't have to have two outlets off of 31st because it would not only take away more parking on 31st, but it would also be another cost factor that the church would have to endure. She had a letter from Ted Herbert who lived across the street on Oakland Avenue that she read:

"I live across the street from the proposed parking lot of MCC Church. I am unable to attend this meeting because of illness. I strongly support the variances requested by Kathy Barclay on behalf of Metropolitan Community Church. The variances requested by Kathy are the most logical, workable and desirable for our neighborhood. I will be looking at the parking lot every day from my living room window and will be happy to see the plans implemented as proposed by Kathy. It would be intolerable to have an exit or entrance on Oakland Avenue from this parking lot. It is therefore essential to approve the variances as requested by MCC. Please approve all variances as they have been requested by MCC church. This will serve our neighborhood well."

The other thing she wanted to bring up was one of the things that they talk about [in the staff report] was eleven trees and 58 shrubs. There was a crack house across the street from this parking lot and she wouldn't like to have it so available to have hiding places and places to not be seen. Therefore, she suggested that it be more open. The church planned a surveillance camera and she would like the camera to be able to do what it needed to do. She had seen the parking lot that Mount Olivet had on Chicago and 31st and there was no green space. This had green space. One of the nicest things about the green space as Kathy mentioned, Oakland Avenue was going to be a large green space. As you look down the street from her house down, you won't be seeing parked cars, you'll see green space and it would look more like a regular street. She had also been down by Park Avenue and their new parking lot and their variance of moving the alley. They had no green space. She thought that the church had worked very hard with the neighborhood, they had gone to the neighborhood and had several meetings. She and Kathy went to get signatures from people who lived on the alley that they approved of this plan. She believed the neighborhood was 100% behind the church.

Andrea Jenkins, Asst. to Council Member Lilligren, 8th ward, reiterated Mr. Wittenberg's comments that Council Member Lilligren was requesting that the Commission overrule staff's recommendations regarding item #34, the variance setback along 31st street from eight feet to two feet. He stated that "he had visited the site several times. Though I generally support the excellent work of our staff, I do disagree on this one. Reducing the setback to two feet still leaves a residual strip of green space about four feet wide. Ms. Barclay on behalf of All God's Children Metropolitan Community Church has agreed to landscape and maintain this green space. Given the site, I think it is an intelligent solution and support the project and recommend approving the variance to reduce the corner side yard setback."

Pastor Bill Hisley, Mount Olive, 31st and Chicago, stated that they were in support of all of the requests offered to the Commission on behalf of All God's Children. He gathered a group of ten people over the weekend to talk about parking in the neighborhood, people who park in the neighborhood every Sunday morning as they go to Mount Olive church in particular. When he told them what was going on and what this hearing would be about, they said to tell the Commission clearly they needed every single parking space they could get because there was constant vying for decent parking on their street. It was an ever growing problem because they were becoming a "religious intersection" at 31st and Chicago all the way over to Portland. They liked that, but they also needed to protect the people who were driving on the street, walking on the street and do as much as they could. These four spaces were extremely important to them and they hoped the Commission would support this.

Ms. Barclay indicated that she wanted to speak to the landscaping issue. She clarified that Ms. Christensen misunderstood, they were not proposing a surveillance camera. What they did request was an alternative as provided for in 531.230, allowing for an exception to the landscaping requirements to allow for natural surveillance. They were going with a much more open plan for that reason. There was a lot of illicit activity in the neighborhood as Ms. Christensen suggested, there was a drug house and prostitution directly across the street. There was a fair amount of illicit activity, drugs and prostitution in the whole block and area. A more open plan, more open landscaping, fewer shrubs and trees allowed for more natural surveillance as well as supported the idea of a more multi-use green space that had open space where kids could play, they could host church picnics and other things. The staff recommendation to increase the landscaping even further, when they read the requirements, they saw the actual requirement if they weren't going for the exception was one tree per 25 foot of linear frontage. That linear frontage distance didn't get to the staff requirement of eleven trees and 58 shrubs, it would be substantially less than that. The other point in this whole project, was that they had scrutinized other parking lots in the neighborhood quite heavily, particularly other church parking lots. It was not fair to say that they had no green space, because they did, but they had substantially less green space than what they were providing. They appeared to have been granted setback variances taking the green space down substantially. Also the landscaping was much more open in those church parking lots as well. They wanted to be certain that they weren't being held to a standard that would be substantially different or they would wonder what that was about or why that might be.

President Martin replied that it was about the fact that there was a new Zoning Code with new provisions for landscaping that wasn't in the old Zoning Code. A new parking lot had different expectations.

Ms. Barclay stated that the one church parking lot was also brand new. Another was more mature and older, but the other was only about a year old.

President Martin noted that it may have been approved before that.

Ms. Barclay indicated that the open space would support the natural surveillance. They have trees and shrubs planned. They did wonderful landscaping and she thought the issue of landscaping should not be an issue with them.

The public hearing was closed.

Commissioner LaShomb asked for clarification that they were talking about the possibility of either 27 parking spaces or 23 parking spaces. They were talking about the use of an alley for access and they were talking about shrubbery and trees. Were those the three issues?

President Martin replied those were pretty much the issues.

Commissioner LaShomb thought the reality was that anyone who was a member of a church that was within the proximity of any other church realizes that parking was a big issue and in the year 2002 it had become a real issue. When he was little, they walked to Sunday school, today no one walks to church. Some churches have a different kind of clientele, those who are willing to go a long way because they have a particular understanding or appreciation for that church. He tended to be sympathetic to the idea that they ought to have a parking lot. He was not sure if the issue of four spaces made a difference. It probably did in a sense, but the lot he didn't think was the question. Regarding the shrubbery and the trees, if the Code says they have to do it, they have to do it. Maybe they could work with the staff and figure out a way to do it. He didn't think the argument that other parking lots were luckier because they didn't have these requirement stood much with him. He understood the parking problem as a member of the Loring Park Community church on Hennepin Avenue and they and St. Mark's were in constant conflict and St. Mark's was in constant conflict with the Basilica, it goes on and on. Yet, he wouldn't want more parking spaces in the Loring Park neighborhood. He would support the staff recommendation because he thought those were what the standards ought to be and four spaces were a cost and sacrifice, but he thought it was appropriate.

Commissioner LaShomb motioned, Bradley seconded to adopt the findings prepared by staff and approve the conditional use permit application for a parking lot serving an institutional or public use at 3103 Oakland Avenue.

Commissioner Hohmann asked with so many churches in close proximity, had there been any effort made to schedule services in order to double up on parking between the different churches?

Ms. Barclay replied that Mount Olive already had two services which consumed the morning because they also had adult forum time in between. They anticipated going to two services. Currently they had a 10:00 AM service. When they split into two services, and there had not been discussion yet about what time those would be, but there were only so many reasonable hours available. Park Avenue Methodist had three services which consumed Sunday morning. The Indian Ministry, the smallest of the churches, had one service at 10:00 AM. As the churches grow and there were at multiple services, there was not a tremendous amount of flexibility.

Commissioner Hohmann indicated he didn't know how their study was measure regarding the shortages of parking, but if everyone was going and the demands were increasing, it seemed that the natural solution was to get more innovative on the service schedule.

Commissioner Krueger stated it was said that there were going to be two light posts. In this area there had been some updated, historic lamp lighting, would this be the same type of lighting in the parking lot to fit the character of the neighborhood?

Ms. Barclay replied that they explored that. The lighting in the lot as proposed was not, it was typical parking lot lighting, a square pole and canopy. They explored trying to match the historic lighting and they were told that it wouldn't cast sufficient light, it wouldn't meet the parking lot lighting requirements.

Commissioner Krause encouraged the applicant and the other churches to be more creative on some of the solutions. This would just buy a little time, 24 or 27 [spaces]. They would chew that up with growth in the size of their congregation in a matter of months and yet on Lake Street, one block away, there were a lot of parking spaces available for the commercial establishments that probably weren't being used on Sunday morning, maybe on Wednesday evening. There were certainly able-bodied people in the congregation who might need a little bit of exercise and be invigorated by a one block walk from Lake street. What they were doing was a very intense land use, twice during the week would significantly change the standards in terms of setbacks and it was creating more surface parking to try to put a "band-aid" on a problem where he thought they needed to think more "out of the box" and be a lot more creative about how to solve this problem much more fundamentally than just with 24 or 27 spaces.

Commissioner Schiff stated he would encourage the applicant to look into the information about the lighting a little more. It surprised him to find that the pedestrian style lighting that was predominantly in the neighborhood was not sufficient for the parking lot that they were proposing. He didn't know if they were using City standards for what we look for in parking lots or what they were going from. He thought they should double check that because it didn't sound quite right.

Commissioner Olson sympathized with their dilemma as far as the 27 spaces versus the 24, but there were standards that they should try to stick to. They should keep it in the backs of their minds that they have a good problem. They didn't have enough parking because they were growing rather than having a decrease in congregation which many churches had. There was a bright side to the dilemma of losing the three spots that they were in a good situation versus a bad situation. He hoped there would be another solution for some of the other spots in the future.

Commissioner Hohmann indicated that maybe they should look at bonuses for variances on parking in the event where, are these lots used by businesses during the week? For instance, employees on Lake Street, [do any of the churches allow them to use the parking]?

Rev. Hisley replied that their lot was used every day of the week. For instance, on Mondays and Tuesday's they were the South Minneapolis location for WIC and the lot was used all day long. They had a number of things going on, Narcotics Anonymous groups, etc, meetings using the lot. They had a farmers market, Powderhorn Healthy Neighborhood farmers market on Saturday morning. Their lot was used morning, noon and night seven days a week. They had on occasion helped out Roberts Shoes and businesses at the corner of Chicago and Lake by making a deal with them, they would not tow their cars because they indicated that they were using the space when the old Sears parking lot was closed.

Commissioner Hohmann indicated he had seen a lot of instances around town where the businesses were crying for parking and yet there were open lots all week.

President Martin stated that historically, the Commission has had many discussions about more creative use of surface lots, more times of the day, more days of the week. That was something that the Commission would urge everyone to explore more. She agreed with Commissioner Krause that one block was not very far and for a lot of people not a problem.

Commissioner Schiff called the question.

The motion to approve the conditional use permit application for a parking lot serving an institutional or public use at 3103 Oakland Avenue **carried.**

Wittenberg, staff, clarified that the staff recommendations did not necessarily produce the staff alternative site plan. What the staff recommendations would do would be to eliminate the bump out, pull it in several feet. He had recommended approval of the alley variance down to zero, so they could do the layout if the staff recommendations were approved.

34. **3101-03 Oakland Avenue (8th Ward - BZZ-666, Variance)**

Application by Kathy Barclay, on behalf of All God's Children Metropolitan Community Church a variance to reduce the required corner side yard setback along 31st Street East from eight feet to two feet to allow a parking lot. (Staff, Jason Wittenberg)

The public hearing was opened.

See discussion in item #33 above.

The public hearing was closed.

Commissioner Krueger stated he was voting in favor of the church because he liked the proposal.

Commissioner Bradley asked staff to clarify items #34 & 35, the recommendation to deny the corner side yard setback along 31st street.

Wittenberg, staff, displayed on the overhead the locations of the setbacks. Practically speaking, it may not be that close to the lot line because when staff pointed out to the applicant after they submitted their original site plan that their lot lines were actually 2 ½ feet inside of the sidewalk area, the lots lines were moved on the site plan along both sidewalks, but they were not moved to keep the property the same size that it actually was. The property as shown was smaller.

Commissioner Bradley asked if they denied item #34, would they still get this parking lot configuration?

Wittenberg, staff, replied that they could get this configuration using some compact spaces.

President Martin noted that the applicant testified that everyone in the congregation had a truck.

Wittenberg, staff, indicated that there were nine spaces in the two locations.

Commissioner Bradley motioned, Nestingen seconded to approve the variance on item #34.

Commissioner Schiff noted that 31st Street was predominantly residential in South Minneapolis. It was not predominantly institutional. Bringing parking and automobile related uses closer to the curb was not in the interest of the predominantly residential nature of these neighborhoods. He didn't think a hardship was warranted in the explanations presented for this variance.

The motion to approve the variance **failed** with the following vote:

Yea:	Bradley, Hohmann, Krueger and Nestingen - 4
Nay:	Krause, LaShomb, Martin, Olson and Schiff - 5
Absent:	Johnson - 1.

Commissioner LaShomb motioned, Krause seconded to adopt the findings prepared by staff and **deny** the variance application to reduce the required corner side yard setback along 31st Street East from eight feet to two feet for a parking lot. **Carried** with the following vote:

Yea:	Hohmann, Krause, LaShomb, Nestingen, Olson and Schiff - 6.
Nay:	Bradley and Krueger - 2.
Absent:	Johnson - 1.

35. 3101-03 Oakland Avenue (8th Ward - BZZ-666, Variance)

Application by Kathy Barclay, on behalf of All God's Children Metropolitan Community Church a variance to reduce the interior side yard setback along the south lot line from five feet to zero feet (for a distance of approximately 25 feet) to allow a parking lot. (Staff, Jason Wittenberg)

The public hearing was opened.

See discussion in item #33 above.

The public hearing was closed.

Commissioner Bradley motioned to go against the staff recommendation so that they could move the parking lot down and get their layout without the compact spaces.

President Martin stated that Mr. Anderson indicated that wouldn't work.

Anderson, staff, indicated that this variance was to allow a back-up area at the very bottom so that the two parking spaces that were down there, the cars could back in to that area and head out of the parking lot.

Commissioner Bradley withdrew his motion.

Commissioner Krause stated that he wasn't necessarily inclined to overturn the staff recommendation on this one, however having heard that the property owner was OK with it, it didn't have the same kind of design problems that Council Member Schiff mentioned along 31st Street which he agreed with, he was willing to move to approve the variance in this case.

Commissioner Krause motioned, Bradley seconded to approved the variance to reduce the interior side yard setback along the south lot line from five feet to zero feet (for a distance of approximately 25 feet) to allow a parking lot.

Commissioner Schiff stated although it was great that the neighbor today thinks this is a fine thing, the variance goes permanently on the property for build out of this parking lot. Future property owners might not be so inclined to be supportive of having cars backing out a little closer to their property line.

Commissioner LaShomb asked if the parking lot would go right against the fence if they approved this? How far away from the fence would it be?

Wittenberg, staff, replied that the fence was only in the back yard area of the property to the south, whereas the other was adjacent to the home.

Commissioner LaShomb asked how close was the parking lot edge going to be to that home?

Wittenberg, staff, replied according to the site plan, four feet.

Commissioner Bradley asked which site plan?

Wittenberg, staff, replied the applicant's site plan.

Commissioner Bradley stated that the applicants site plan wasn't going to work anymore. They would end up with the staff alternative site plan.

Commissioner LaShomb asked with the staff alternative site plan, how many feet from the house was it?

Wittenberg, staff, replied nine feet.

Commissioner LaShomb indicated the reason he asked the question was some Commissioners may recall the Commission had a proposal a few months ago for a housing development on a former Super America Station site by Powderhorn and the Commission allowed cars to get extremely close to the building. If they were going to allow four feet there, he would like signage that would suggest that people not back in and affect the people in the group home.

Commissioner Krueger asked if they could allow the applicant to comment?

President Martin indicated he could ask her a question.

Commissioner Krueger asked what she wanted to clarify?

Ms. Barclay stated that approving item #35 didn't allow them to build the lot, because #34 was denied. If the Commission could see their way clear to approve #34 and deny #35, they could build the lot as planned. What she wanted to clarify earlier regarding the setback, #34, the eight feet down to two feet which in practicality became eight feet down to 4 ½ feet, but keep in mind that there was greater than 25 feet of green space that was way more than five feet. It was only a partial setback requirement along 31st Street because there already was 27 feet in and 90 feet deep along Oakland. It wasn't an entire setback request all along the 31st Street side, it was on two portions. There was more than ample depth [along Oakland] in both directions. She was trying to clarify that and if the Commission could approve #34, even if they denied #35, they could build the lot with the 27 stalls. If they were not able to build the 27 stalls, they lost valuable stalls. If they had to go to a different design with two cut-throughs they would also lose street parking.

Anderson, staff, stated that staff had indicated that even with the denial of the setback along 31st, the applicants plan could still be built, there wouldn't have to be two curb cuts on 31st, they could still have the alley and the one curb cut and do it that way. They would still be short a few more spaces, but they could use their plan.

Commissioner Krueger asked if the Commission could reconsider on item #34?

President Martin noted they were in the middle of item #35, but they could.

Commissioner Krueger asked if he could make a substitute motion on item #34?

President Martin indicated at the moment they were acting on item #35.

The vote on the motion to approve item #35 was as follows:

Yea:	Bradley, Krause, Krueger and Nestingen - 4.
Nay:	Hohmann, LaShomb, Olson and Schiff - 4.
Absent:	Johnson - 1.

Commissioner Krause believed this didn't have the same detrimental impacts on the adjacent property owners. It improved the overall mobility within the parking area.

Commissioner Schiff indicated that Commissioner Nestingen voted incorrectly and believed that they were voting to approve the staff recommendation.

Commissioner Bradley asked staff if the Commission denied both #34 and #35, could the applicant build their parking lot as shown before the Commission with 27 spaces?

President Martin indicated that Mr. Anderson said no.

Commissioner Bradley didn't think so either. He thought they would end up with Mr. Wittenberg's configuration with one or two curb cuts.

Anderson, staff, indicated when he said no, it meant that they couldn't have 27 spaces, they could have 23 or 24 spaces, but they could still have their configuration. They wouldn't have to have the two curb cuts on 31st, they could come down the alley on one, which was what they had and one curb cut on 31st. They could still have the spine of landscaping between the rows of parking. Their configuration could remain the same, it was just the number of parking spaces that would change. All staff did was to come up with a staff alternative to show what could be done in an alternative.

Commissioner Bradley asked by taking the staff recommendation on item #34 and #35, it appeared that they would lose three parking spaces across the bottom adjacent to the residential property. Was that correct, not considering compact spaces?

Wittenberg, staff, replied correct, not considering compact spaces. It appeared they would lose three spaces.

Commissioner Bradley indicated they would come up with 24 spaces. If they wanted to put compact spaces in, could they get 27 spaces?

Wittenberg, staff, replied he thought where they would run into problems under this scenario, the reason he showed the alternative plan was to demonstrate what could be done if they did not have alley access which was generally discouraged. It appeared to him that they would not necessarily have to lose spaces if they were to continue to have alley access.

Commissioner Bradley asked what the dimension from the upper left hand space along Oakland on both the staff alternative, the applicants plan and the modified plan?

Wittenberg, staff, replied that the lot was 89 feet, subtracting 13 feet to be 76 feet.

Commissioner Bradley asked what size spaces were they using, eight foot or nine?

Wittenberg, staff, replied that 8 ½ would be typical non-compact.

Commissioner Nestingen replied that it would be eight spaces.

Commissioner Bradley indicated that they would end up with 24 spaces. They have a choice of using the staff alternative plan with two curb cuts or the alley plan.

Commissioner Schiff noted that they had to recount the vote for the motion on item #35.

Commissioner Bradley asked why they needed to redo #35?

Commissioner Schiff replied that they voted wrong.

Commissioner Nestingen asked if that changed the outcome?

President Martin noted that it would change the outcome.

The motion to approve item #35 **failed**, with the following vote:

Yea: Bradley, Krause and Krueger - 3.
Nay: Hohmann, LaShomb, Nestingen, Olson and Schiff, - 5.
Absent: Johnson - 1.

Commissioner Bradley motioned, Schiff seconded to adopt the findings prepared by staff and **deny** the variance application to reduce the required interior side yard setback along the south lot line from five feet to zero feet (for a distance of approximately 25 feet) for a parking lot. **Carried** with the following vote:

Yea: Bradley, Hohmann, LaShomb, Nestingen, Olson and Schiff - 6.
Nay: Krause, Krueger - 2.
Absent: Johnson - 1.

36. **3101-03 Oakland Avenue (8th Ward - BZZ-666, Variance)**

Application by Kathy Barclay, on behalf of All God's Children Metropolitan Community Church a variance to reduce the required rear yard setback along the public alley from five feet to zero feet to allow a parking lot. (Staff, Jason Wittenberg)

The public hearing was opened.

See discussion in item #33 above.

The public hearing was closed.

Commissioner Bradley motioned, Krueger seconded to adopt the findings prepared by staff and **approve** the variance application to reduce the required rear yard setback along the public alley from five feet to zero feet for a parking lot. **Carried.**

37. **3101-03 Oakland Avenue (8th Ward - BZZ-666, Site Plan Review)**

Application by Kathy Barclay, on behalf of All God's Children Metropolitan Community Church for site plan review of a parking lot. (Staff, Jason Wittenberg)

The public hearing was opened.

See discussion in item #33 above.

The public hearing was closed.

Commissioner Bradley motioned, Schiff seconded to adopt the findings prepared by staff and **approve** the site plan review application for a parking lot serving an institutional or public use at 3103 Oakland Avenue.

Commissioner Krueger asked if they wanted to include something about the lighting in the conditions?

President Martin replied that Commissioner Schiff made a suggestion that there be further exploration of the non-traditional surface parking lot lighting to more fit in with the kind of neighborhood lighting in the area.

Commissioner Schiff indicated it was just a suggestion.

Wittenberg, staff, recalled that the applicant requested alternative compliance from the landscaping and screening requirements. Staff's recommendation would be in compliance with Chapter 530.

Commissioner Bradley thought when there is criminal activity, the best tool a non-criminal citizen can use is visual impact. He was talking about binoculars and 911 calls. Shrubs could provide hiding places, etc., so was there a provision for alternative compliance or did they need to include that?

Wittenberg, staff, they would need to make the findings.

Commissioner Bradley indicated he would like to include that staff and the applicant pursue alternative compliance for the purposes of visual surveillance of the existing criminal activity. When it went away they could put shrubs in.

Anderson, staff, added that they could say that staff pursue with the applicant alternative compliance based on CPTED principles.

Commissioner Schiff clarified if they were talking specifically in relation to CPTED materials, they were talking about hedges that people could hide behind, they were talking about specific types of landscaping, they were not changing the net total amount of landscaping that was provided. They were just talking about which types of landscaping.

President Martin replied that was correct.

Commissioner Olson stated that they may need to change the total amount to get to an area where they were not producing and the area that people could hide behind. He dealt with this often in the parks. If you go by some parks, there are cars sitting there that can't be seen because of the poor planning. They may have to reduce the number, 58 shrubs may need to be dropped to 40.

President Martin indicated that possibly the solution was with alternative compliance being invoked here, the applicant could work with staff to find out the best way to implement CPTED principles.

Wittenberg, staff, commented if this was to be worked out between staff, the landscaping consultant and the applicant, the Commission might consider eliminating conditions #1 and 2 which left, "Planning Department shall review and approve the final site and landscaping plan."

Commissioner Schiff stated he thought they should be careful about any implications that the City's landscaping requirements lead to crime and to exempt entire projects.

Commissioner Bradley stated he didn't think it lead to crime. He thought there was a problem in the neighborhood and he knew visual surveillance was important. That was the only weapon he had in front of his house at 3 AM, his binoculars and 911.

Commissioner Schiff noted that certain landscaping wasn't taller than four inches, there was a balance.

The motion to approve carried, subject to the following conditions: 1) The Planning Department shall review and approve the final site and landscaping plans; 2) If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs by September 23, 2002, or the permit may be revoked for non-compliance; and, 3) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 8, 2003, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.